

Settling J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88

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This Document Relates To:

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*M & P Silver Family Partners II v. Amerada
Hess Corporation, et al.*, 04 Civ. 4975

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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/13/10

**STIPULATION AND ORDER OF DISMISSAL
WITH PREJUDICE UNDER FED. R. CIV. P. 41**

Plaintiff M & P SILVER FAMILY PARTNERS II and the settling Defendants, EXXON MOBIL CORPORATION (INDIVIDUALLY AND F/K/A EXXON CORPORATION AND D/B/A EXXONMOBIL REFINING & SUPPLY COMPANY, EXXON CHEMICAL U.S.A., AND EXXONMOBIL CHEMICAL CORPORATION) AND EXXONMOBIL OIL CORPORATION (INDIVIDUALLY AND F/K/A MOBIL OIL CORPORATION) (COLLECTIVELY, "EXXONMOBIL") ("Settling Defendants"), have advised the Court that they have resolved the matters between them and agree to the entry of this Stipulated Order of Dismissal With Prejudice of the claims against Settling Defendants, as indicated by the signatures of the respective counsel below. This Court finds that this Stipulated Order of Dismissal With Prejudice should be entered, with the findings included below.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the Parties to the Stipulation and over the subject matter of this action. The Parties to this Stipulation have advised the Court of

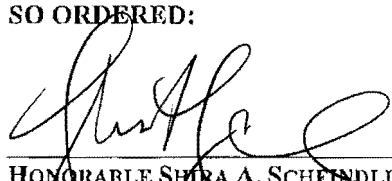
their agreement to settle this matter pursuant to a Settlement Agreement and Release and this Stipulated Order of Dismissal With Prejudice.

2. The parties to this Stipulation consent to the dismissal of this action as to Settling Defendants only, including all claims and counterclaims, with prejudice.
3. Each party shall bear its own cost and attorneys' fees.

SO ORDERED:

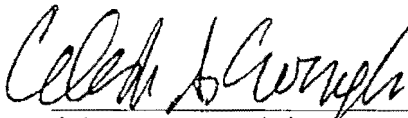
Date:

Oct 12, 2010


HONORABLE SHIRA A. SCHEINDLIN
UNITED STATE DISTRICT JUDGE

DM

AGREED TO AND ACCEPTED BY:



Celeste A. Evangelisti, Esq.
BARON & BUDD, P.C.

*Counsel for Plaintiff M & P
Silver Family Partners II*



Jeffrey S. Parker, Esq.
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Counsel for Settling ExxonMobil Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**PLAINTIFF AND EXXONMOBIL DEFENDANTS' JOINT MOTION FOR
VOLUNTARY DISMISSAL WITH PREJUDICE PURSUANT TO FRCP 41(a)(2)**

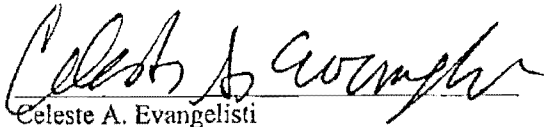
Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff M & P SILVER FAMILY PARTNERS II and Settling Defendants EXXON MOBIL CORPORATION (INDIVIDUALLY AND F/K/A EXXON CORPORATION AND D/B/A EXXONMOBIL REFINING & SUPPLY COMPANY, EXXON CHEMICAL U.S.A., AND EXXONMOBIL CHEMICAL CORPORATION) AND EXXONMOBIL OIL CORPORATION (INDIVIDUALLY AND F/K/A MOBIL OIL CORPORATION) (COLLECTIVELY, "EXXONMOBIL") (collectively "The Parties") request the Court to enter an Agreed Stipulation and Order of Dismissal. The Parties have agreed to a settlement agreement and final resolution of all matters in controversy between them, including the settlement of the above case. The Parties have agreed that each shall bear their own costs, expenses and attorneys' fees.

WHEREFORE, the Parties request this Court enter the Stipulation and Order of Dismissal with Prejudice under Rule 41 of the Federal Rules of Civil Procedure, costs and expenses to be borne by the party incurring same.

DATED: October 8th, 2010

Respectfully submitted,

By:



Celeste A. Evangelisti

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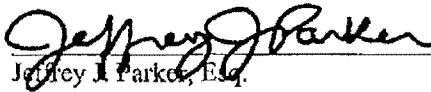
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*Counsel for Plaintiff M & P Silver Family
Partners II*

By:



Jeffrey J. Parker, Esq.

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Los Angeles, CA 90071

Telephone: (213) 617-5586

Facsimile: (213) 620-1398

Counsel for ExxonMobil Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF M & P
SILVER FAMILY PARTNERS II AND EXXONMOBIL DEFENDANTS' JOINT
MOTION FOR VOLUNTARY DISMISSAL WITH PREJUDICE PURSUANT TO FRCP
41(a)(2)** was served on all counsel of record by posting it directly to LexisNexis File & Serve on
October 8th, 2010.


SHELLY PETERSEN

MDL No. 1358; Silver (04 Civ. 4975)

Subject: MDL No. 1358; Silver (04 Civ. 4975)

From: "Shelly Petersen" <spetersen@baronbudd.com>

Date: Fri, 8 Oct 2010 14:38:17 -0500

To: <judgments@nysd.uscourts.gov>

CC: "Celeste Evangelisti" <cevangelisti@baronbudd.com>, "Elena Rojo" <erojo@baronbudd.com>

Dear Court Clerk,

Attached is a Stipulation and Order of Dismissal with Prejudice, which was filed on ECF today, as well as served on all counsel of record via LexisNexis File & Serve. I am also attaching the Joint Motion for your reference. Thank you kindly for your assistance.

<<Silver-Stip & Order.pdf>> <<Silver-Motion.pdf>>

Shelly Petersen, Legal Assistant | BARON & BUDD, P.C.

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